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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,027	04/17/2000	Wendell P. Noble	303.379US2	1158

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EXAMINER

TRINH, MICHAEL MANH

ART UNIT	PAPER NUMBER
2822	

DATE MAILED: 11/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application N .	Applicant(s)
	09/551,027	NOBLE ET AL.
	Examiner	Art Unit
	Michael M Trinh	2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 September 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 20-56 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 20-56 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

*** This office action is in response to CPA and Pre-Amendment filed on Sep. 19, 2001.

Claims 20-56 are pending.

*** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

1. Claims 25-26,34-40 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claim 25, line 6: Original specification page 11, last three lines, teaches to form the layer 306 as second source/drain region layer by “ion implantation”, not by “epitaxially forming” as recited at line 6 of claim 25.

(Dependent claims are rejected as depending on rejected base claim 25)

Claim Rejections - 35 USC § 102

2. Claims 20,21,23-2,27-28,30,32,34,35,37,39,41,42,44,46,48-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotou (5,001,526).

Gotou teaches a method for forming a semiconductor device comprising at least the steps of: forming a number of access transistors, each access transistor formed in a pillar of semiconductor material that extends outwardly from a substrate wherein the access transistor includes, in order, a first source/drain region (68 in Fig 2, col 2, lines 11-54; or 15 in Fig 15b), a unitary body region (73 in Fig 2; or 14/16 in Figs 15b) and a second source/drain region formed vertically thereon (17 in Fig 3b; or 68,73,67 in Fig 2; cols 4-6); forming a trench capacitor, wherein a first plate (15 in Fig 3b; or 68 in Fig 2) of the capacitor is integral with the first source/drain region 15 or 68, wherein a second plate (69 in Fig 2; or 21 in Fig 3b,10,11a-b, re claim 21) surround the first plate forming a grid pattern (Figs 2,3a-b,9a-b,11a-b,14a-b; re claim 23) by depositing polysilicon in row and column trenches (col 5, lines 22+); forming a number of word lines in a number of trenches that separate adjacent rows of access transistors, wherein each

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trench includes two word lines (30 in Fig 3b; or 63 in Fig 2) with a gate of each word line interconnecting alternative access transistors on opposite sides of the trenches; and forming a number of bit lines 29 (figs 3b, 1,14a-b) that interconnect second source/drain regions 17 of selected access transistors, wherein the memory device having an array of memory cells occupying an area of $4F^2$ with F is a minimum feature size (Fig 14a,11a,1; cols 1-2; col 2, lines 60-65, wherein the layers are epitaxially grown from a single silicon substrate wafer. Re further claims 25-26, epitaxially forming layers and etching the layers to form column bars of a first source/drain region, the body region, and the second source/drain region, and row and column isolation trenches are described from figures 6 to 14b (or Fig 2; col 2, lines 11-54), and filling the trenches with a conductive material not to exceed the lower level of the body region 16 is shown in figure 15b, and wherein bit lines to interconnect the second source/drain regions is shown in figures 14a-14b, wherein the first source/drain region extending outwardly from the substrate.

Claim Rejections - 35 USC § 103

3. Claims 22,29,31,32,35,38,40,43,45,47,54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotou (5,001,526) taken with Kimura et al (5,177,576).

Gotou teaches a method for forming a memory array as applied above to claims 20,21,23-2,27-28,30,32,34,35,37,39,41,42,44,46,48-53.

Re claim 26, Gotou lacks to form a contact to couple the second plate to an underlying semiconductor layer. Re claims 29,31,33,36,38,40,43,45,47, Gotou lacks to mention claimed thickness of the source/drain regions. Re claims 54-55, Gotou teaches DRAM memory cells but lacks to explicitly mention about decoder, buffer and microprocessor.

However, re claim 26, Kimura et al teach (at fig 4, figs 6G-6M; col 6, lines 30-68) to form a contact at the bottom of the trench so that the contact couples a second plate to an underlying semiconductor layer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form a contact at the bottom of the trench so that the contact couples a second plate to an underlying semiconductor layer, as taught by Kimura because of the desirability to form an electrical connection between the second plate and the semiconductor wafer, wherein forming the contact directly at the bottom of trench for connection would miniaturize a device size.

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Re claims 54-55, it would have been obvious to one of ordinary skill in the art to connect bit lines and word lines of the DRAM memory cells to decoders, buffers and microprocessor as well known in the art because of the desirability to provide the capability of accessing a charge stored in one or more of the capacitors or providing a charge thereto (read/write).

Re claims 29,31,33,36,38,40,43,45,47, it would have been to one of ordinary skill in the art to select a thickness value in a known range by optimization for the best results, see *In re Aller, et al.*, 105 USPQ 233. Normally, it is to be expected that a change in thickness, depth, etc., or in combination of the parameters would be an unpatentable modification. Under some circumstances, however, changes such as these may be impart patentability to a process if the particular ranges claimed produce a new and unexpected result which is different in kind and not merely degree from results of prior art...such ranges are termed 'critical ranges' and the applicant has the burden of proving such criticality. *In Re Aller* 104 USPQ 233,255 (CCPA 1955); *In re Waite* 77 USPQ 586 (CCPA 1948); *In re Scherl* 70 USPQ 204 (CCPA 1946); *In Re Irmscher* 166 USPQ 314 (CCPA 1945); *In Re Norman* 66 USPQ 308 (CCPA 1945); *In Re Swanson* 56 USPQ 372 (CCPA 1942); *In Re Sola* 25 USPQ 433 (CCPA 1935); and *In Re Dreyfus* 24 USPQ 52 (CCPA 1934).

Response to Arguments

4. The terminal disclaimer filed on September 19, 2001 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Number 6,156,604 and U.S. Patent Number 6,156,607 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Accordingly, the obviousness-type double patenting rejection has been withdrawn.

5. Applicant's remarks filed September 19, 2001 about art rejection have been fully considered but they are not persuasive, and are also moot in view of the new ground(s) of rejection.

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** Applicant mainly remarks (at remark page 6 filed 9/19/01) that "Gotou teaches...FIGS. 4A, 4B and 5...forming layers on *two separate substrates*...Applicant's invention is formed with and upon a *single substrate*...".

First, although there is a second single substrate 14 as shown in figures 4b and 5, the *substrate 12* as shown in Figures 4A and 4B of Gotou is a *single substrate from which* a number of access transistors are formed thereon.

Second, it is noted and found unconvincing since as additionally shown in Prior Art Figure 2 of Gotou, a single substrate 60 is employed. Accordingly, the rejection is still proper.

** Applicant further remarks that "...independent claim 25...the layers be epitaxially grown...".

In response, as clearly disclosed by Gotou at col 2, lines 11-54, Figure 2, the layers 68,73 are also epitaxially grown (col 2, lines 46-49).

** For the reasons as set forth above, the rejections are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Trinh whose telephone number is (703) 308-2554. The examiner can normally be reached on M-F from 8:30 Am to 4:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Whitehead Jr Carl can be reached on (703) 308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Oasc



Michael Trinh
Primary Examiner